UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,462	07/20/2001	Karim Maskatiya	021110-000200US	1742

20350   7590   07/14/2009
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ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
07/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8 and 10-13* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5,7,8 and 10-13* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

In the amendment filed on 04/13/09, the following have occurred: this amendment

amends claims 1, 5, 7, 10, and 13; and cancels claim 9, leaving pending in the application claims

1-5, 7-8, and 10-13. Applicant's amendment has necessitated the withdrawal of the rejection of

claims 1-5, 7-13 under 35 U.S.C 112th, first paragraph.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under

35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

2.   Claims 1-5, 7-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Martinez (US PAT: 5,208,446) in view of Bloom (US PAT: 6974928).

Re claim 1. Martinez discloses the method of delivering at least one item or service

from a provider to a receiver the method comprising: receiving an order for at least one

item or service available from the provider (see fig.1, also see col.1 lines 35-65, see

col.2 lines 45-65) the order identifying a receiver to which to deliver the at least one item

or service; in response to the information regarding the order identifier being approved

by the financial processor, providing payment for the at least one item or service from

the financial processor to the provider (i.e., see col.3 lines 10-67), delivering the at least

one item or service to the receiver (see col.5 lines 30-40), and in response to the

information being not approved by the financial processor, not delivering the at least

one item or service to the receiver (see col.5 lines 30-40). Martinez does not expressly

discloses , generating an order identifier, in response to receiving the order, when a

purchaser or the order is pre-approved or has an account with a financial processor,

wherein the financial processor is able to provide payment for the at least one item or

service upon the delivery of the at least one item or service, obtaining the order

identifier from the receiver at substantially at the time of delivery, providing information

regarding the order identifier obtained at substantially the time of delivery to a financial

processor for approval of a financial portion of the order. However, Bloom makes this

disclosure (see col.4 lines 1-30). Thus it would have been obvious to one of ordinary

skill in the art to combine the teachings of Martinez and Bloom to provide added security

to the delivery of goods.

Re claim 2. Martinez does not explicitly disclose a method in accordance with claim 1

wherein the information regarding the order identifier is provided to the provider prior to

providing the information regarding the order identifier to the financial processor.

However, Bloom makes this disclosure (see col.4 lines 1-30). Thus it would have been

obvious to one of ordinary skill in the art to combine the teachings of Martinez and

Bloom to provide added security to the delivery of goods.

Re claim 3. Martinez does not explicitly disclose a method in accordance with claim 1

wherein the information regarding the order identifier is provided to the financial

processor substantially immediately upon receipt at the time of delivery. However,

Bloom makes this disclosure (see col.4 lines 1-30). Thus it would have been obvious to

one of ordinary skill in the art to combine the teachings of Martinez and Bloom to

provide added security to the delivery of goods.

Re claim 4. Martinez further discloses a method in accordance with claim 1 wherein

the at least one piece of data is provided to the financial processor with other pieces of

data from other transactions (i.e., Data inputted by system 53 is stored in memory 52

as legal tender or programming information 57. When credit card information including

the card number, expiration date, cardholder name, etc. is entered into memory 52 by

sensor 54 and the user wishes to validate the credit card number, the user presses a

selected button on keyboard 53 or otherwise prompts controller 51 to generate and

transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card

information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone

network of FIG. 4 or to another selected communications network. The cellular

telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102

which validates the credit card information and other data associated with the credit

card, see col.3 lines 18-50)

Re claim 5. Claim 5, though a system claim, is a parallel of claim 1. That is to say, it

recites similar limitations to claim 1 and thus rejected using the same art and rationale

as in claim 1 supra.

Re claim 7. Claim 7 recites similar limitations to claim 1 and thus rejected using the

same art and rationale as in claim 1 supra.

Re claim 8. Martinez further discloses a method according to claim 7, wherein:

obtaining an order identifier includes obtaining at least one piece of data selected from

the group consisting of a purchase order number, and a purchase order-type document

(i.e., Data inputted by system 53 is stored in memory 52 as legal tender or

programming information 57. When credit card information including the card number,

expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the

user wishes to validate the credit card number, the user presses a selected button on

keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to

transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50

transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another

selected communications network. The cellular telephone network of FIG. 4 receives

and transmits signals 59 to a host computer 102 which validates the credit card

information and other data associated with the credit card, see col.3 lines 18-50).

Re claim 9. Martinez further discloses a method according to claim 7, further

comprising: returning the item or service undelivered when the received determination

 indicates that payment for the item or service is not at least one of approved and

accepted (see col.5 lines 30-40).

Re claim 10. Martinez further discloses a method according to claim 7, wherein:

providing the unique order identifier to one of a financial processor and

a provider of the item or service includes transmitting the obtained order identifier to

one of a financial processor and a provider of the item or service at substantially the

time of delivery (see abstract, also see col.3 lines 30-50).

Re claim 11. Martinez further discloses a method in accordance with claim 1 wherein

the order identifier is selected from the group consisting of a reference number, a

tracking number, an authorization number, a purchase order number, and a purchase

order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal

tender or programming information 57. When credit card information including the card

number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54

and the user wishes to validate the credit card number, the user presses a selected

button on keyboard 53 or otherwise prompts controller 51 to generate and transmit

signals 59 to transmitter-receiver 50. Signals 59 include the credit card information.

Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4

or to another selected communications network. The cellular telephone network of

FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the

credit card information and other data associated with the credit card, see col.3 lines

18-50).

Re claim 12. Claim 12, though a system claim, recites similar limitations to method

claim 11 supra and thus rejected using the art and rationale as in claim 11.

Re claim 13. Claim 13 recites similar limitations to method claim 1 supra and thus

rejected using the art and rationale as in claim 1.

Response to Arguments

Applicant's arguments filed on 04/13/09 have been fully considered but they are not persuasive. Applicant argues in substance that neither Martinez nor Bloom discloses "in response to the information regarding the order identifier being approved by the financial processor, providing payment for the at least one item or service from the financial processor to the provider and delivering the at least one item or service to the receive." Contrary to the applicant's assertion., Bloom discloses "in response to the information regarding the order identifier being approved by the financial processor, providing payment for the at least one item or service from the financial processor to the provider and delivering the at least one item or service to the receive" (i.e., the step of automatically triggering the dispatch of the electronic notification can further include **recording information necessary for billing at least one of the retailer shipping the ordered items of the bulk delivered package**, a customer who ordered the item of the bulk delivered package, and the recipient of the bulk delivered package. **The information can include at least one of an order identifier, an ordering customer identifier, a recipient identifier or a customer identifier, a package identifier**, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time, or any combination thereof. The electronic notification to the recipient can be a facsimile, an email, a telephone call, and a page or any combination thereof, see col.4 lines 1-30). The examiner contends that Bloom uses information such as **an order identifier, an ordering**

customer identifier, a recipient identifier or a customer identifier, a package identifier for

billing at least one of the retailer shipping the ordered items of the bulk delivered package.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298.

The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Examiner, Art Unit 3696